SUPREME COURT, U. S.

NOV 13 1967

JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. 402

JOSEPH F. LUCKE,

Petitioner,

v.

RUSSELL S. DAVIS,
COMMISSIONER OF PERSONNEL OF THE STATE OF MARYLAND,
AND
THE MUNICIPAL COURT OF BALTIMORE CITY,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS OF MARYLAND

BRIEF IN OPPOSITION

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OPINION BELOW

The Opinion of the Maryland Court of Appeals in the case as to which a writ of certiorari is sought, entitled "Joseph F. Lucke v. Commissioner of Personnel, No. 194, September Term, 1966", was filed April 7, 1967, published at 245 Md. 706, 228 A. 2d 313, motion for reargument denied May 1, 1967.

JURISDICTION OF THE COURT

The jurisdiction of this Court has been invoked under Rule 19(a) of the Revised Rules of the Supreme Court, which permits review on certiorari.

> "Where a state court has decided a federal question of substance not theretofore determined by this court, or has decided it in a way probably not in accord with applicable decisions of this court."

Jurisdiction is further asserted under 28 U.S.C., Section 1257(3), which permits certiorari from final judgments of the highest courts of the states "where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of . . . the United States". It is to be noted at this point that the Petitioner does not claim that jurisdiction is present since the Court of Appeals of Maryland did not render a decision on a federal question which would fit the definitive meanings of either of the jurisdictional sources but decided the case on a matter of Maryland procedural law. It is by means of construction that the Petitioner attempts to bring this matter within the purview of jurisdictional sources, claiming that the action of the Court of Appeals of Maryland was essentially fraudulent and designed to deprive this Court of its powers of review by certiorari.

CONSTITUTIONAL PROVISION

The constitutional provision sought to be involved in this case is the First Amendment to the United States Constitution, having to do with freedom of speech.

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and petition the Government for a redress of grievances."

MARYLAND LAW

CONSTITUTION, ARTICLE IV

Section 18. *Judges of Court of Appeals to make rules, etc., for prosecution of appeals and governing proceedings and practice in courts of equity.*

It shall be the duty of the Judges of the Court of Appeals to make and publish rules and regulations for the prosecution of appeals to the appellate Courts whereby they shall prescribe the periods within which appeals may be taken, what part or parts of the proceedings in the Court below shall constitute the record on appeal, and the manner in which such appeals shall be brought to hearing or determination, and shall regulate, generally, the practice of said Court of Appeals and any intermediate courts of appeal so as to prevent delays, and promote brevity in all records and proceedings brought into said Courts, and to abolish and avoid all unnecessary costs and expenses in the prosecution of appeals therein; and the said Judges shall make such reduction in the fees and expenses of the said Courts as they may deem advisable. It shall also be the duty of said Judges of the Court of Appeals to devise, and promulgate by rules, or orders, forms and modes of framing and filing bills, answers, and other proceedings and pleadings in Equity; and also forms and modes of taking and obtaining evidence, to be used in Equity cases; and to revise and regulate, generally, the practice in the Courts of Equity of this State, so as to prevent delays, and to promote brevity and conciseness in all pleadings and proceedings therein, and to abolish all unnecessary costs and expenses attending the same. And all rules and regulations hereby directed to be made, shall, when made, have the force of Law, until rescinded, changed, or modified by the said Judges, or the General Assembly.

Section 18A. *Powers and duties of Chief Judge of Court of Appeals; assignment of judges; rule-making power of Court of Appeals.*

The Chief Judge of the Court of Appeals shall be the administrative head of the judicial system of the State. He shall from time to time require, from each of the judges of the Circuit Courts for the several counties and of the Supreme Bench of Baltimore City, and of any intermediate courts of appeal, reports as to the judicial work and business of each of the judges and their respective courts. He may, in case of a vacancy or of the illness, disqualification or other absence of any judge of the Court of Appeals or of any intermediate court of appeal, or for the purpose of relieving an accumulation of business in any of said courts, designate and assign any judge of the Court of Appeals (if the assignment is to be made to an intermediate court of appeal), any judge of any intermediate court of appeal (other than that to which the assignment is to be made), any judge of any of the Circuit Courts for the counties, or any judge of the Supreme Bench of Baltimore City to sit in any case or cases or for a specified period as a judge of the Court of Appeals or of any intermediate court of appeal (as the case may be) in lieu of a judge of such Court. The Chief Judge of the Court of Appeals also may designate and assign, to sit as a judge, of the Circuit Court for any county or the Supreme Bench of Baltimore City and of any other Court or Courts of Baltimore City which may be held by a judge of said Supreme Bench, either alone or with one or more other judges, in any case or cases or for a specified period, any judge of the Court of Appeals or of any intermediate court of appeal or of any other Circuit Court or of the Supreme Bench of Baltimore City. Any judge designated and assigned by the Chief Judge of the Court of Appeals pursuant to this section shall have all

the power and authority pertaining to a judge of the Court to which he is so assigned; and his power and authority shall continue with respect to all cases (including any motions or other matters incidental thereto) which may come before him by virtue of such designation and assignment until his action thereon shall be completed. In the absence of the Chief Judge of the Court of Appeals the provisions of this section shall be applicable to the senior judge present in said Court of Appeals. The powers of the Chief Judge under the aforegoing provisions of this section shall be subject to such rules and regulations, if any, as the Court of Appeals may make. The Court of Appeals from time to time shall make rules and regulations to revise the practice and procedure in the appellate courts and in the other courts of this State, which shall have the force of law until rescinded, changed or modified by the Court of Appeals or otherwise by law. The power of the courts other than the Court of Appeals to make rules of practice and procedure shall be subject to the rules and regulations prescribed by the Court of Appeals or otherwise by law.

MARYLAND CODE

ARTICLE 41

ADMINISTRATIVE PROCEDURE ACT

§ 244. *Definitions.*

For the purpose of this subtitle:

(a) "*Agency*" means any State board, commission, department or officer authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches, and except the Department of Parole and Probation, the State Industrial Accident Commission, the State Insurance Deparment of Maryland, the Public

Service Commission, the Employment Security Board and the State Tax Commission.

(b) *"Rule"* includes every regulation, standard, or statement of policy or interpretation of general application and future effect, including the amendment or repeal thereof, adopted by an agency, whether with or without prior hearing, to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include regulations concerning only the internal management of the agency and not directly affecting the rights of or procedures available to the public.

(c) *"Contested case"* means a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or contitutional right to be determined after an agency hearing.

§ 255. *Same—Judicial review.*

(a) *Right to review.*—Any party aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof under this subtitle.

(b) *Where proceedings instituted; intervening parties.*—Proceedings for review shall be instituted in the circuit court of the county or in the Baltimore City Court, as the case may be, either where any party resides or has his or its principal place of business. The Court, in its discretion, may permit other interested persons to intervene.

(e) *Additional evidence.*—If, before the date set for hearing, application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken in open court or before the agency upon such conditions as the court deems proper. In cases in which the additional evidence is taken before the agency, it may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

(f) *Heard without a jury; testimony, oral argument and written briefs.*—The review shall be conducted by the court without a jury. In cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(g) *Affirmance, remand, reversal or modification of decision.*—The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(1) In violation of constitutional provisions; or

(2) In excess of the statutory authority or jurisdiction of the agency; or

(3) Made upon unlawful procedure; or

(4) Affected by other error of law; or

(5) Unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or

(6) Against the weight of competent, material and substantial evidence in view of the entire record, as submitted by the agency and including de novo evidence taken in open court; or

(7) Unsupported by the entire record, as submitted by the agency and including de novo evidence taken in open court; or

(8) Arbitrary or capricious.

§ 256. *Same—Appeals to Court of Appeals.*

An aggrieved party may secure a review of any final judgment of the circuit court or Baltimore City Court, as the case may be, under this subtitle by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided by law for appeals from law courts in other civil cases. This section shall not apply to cases arising under Article 66½ of the Annotated Code of the Public General Laws of Maryland in which no right to appeal to the Court of Appeals is specifically provided.

Article 5

Appeals to Court of Appeals

Appeals from Courts of Law

§ 1. *Appeals from final judgments; judgments on appeal from justices of peace, etc.*

Any party may appeal to the Court of Appeals from any final judgment or determination of a court of law in any civil suit or action, including a mandamus action, or in any prosecution for the recovery of any penalty or fine or damages; provided, however, that this section shall not

be construed to permit an appeal to the Court of Appeals from any judgment or determination entered by a court of law in the proper exercise of its jurisdiction on appeal from a justice of the peace, people's court or trial magistrate.

MARYLAND RULES

CHAPTER 1100.

SPECIAL PROCEEDINGS

Subtitles A to Z and BA to BZ

Subtitle B. Administrative Agencies—Appeal From

Rule B1. *General Provisions.*

a. *Actions to Which Applicable.*

This subtitle shall apply to the review of any final action of an administrative agency by a court where such review is specially authorized by statute, regardless of the form of such review, except where review is by way of mandamus, in which case the rules relating to mandamus shall apply. An application for a review is hereinafter referred to as an appeal.

b. *Administrative Agency Defined.*

The term "administrative agency", as used in this Subtitle, shall mean any board, department, commission, authority, commissioner or other officer of the State or of a county or local government, whether appointed or elected, whether legislative, administrative, executive, ministerial or quasi-judicial, whose action or decision is specifically subject to court review, except by way of mandamus, by any provision now or hereafter set forth in any general or local statute, ordinance or regulation now or hereafter in effect; but shall not mean any court created by Article IV of the Constitution of Maryland, People's Court, Trial Magistrate or Justice of the Peace.

Rule B2. *How Appeal Taken.*

a. *Order for Appeal.*

An appeal hereunder shall be taken by filing with the clerk of the proper court an order for appeal.

b. *Jurisdiction.*

An appeal may be filed in a court in which it is now or hereafter permitted by law.

c. *Service on Agency.*

The appellant shall, prior to filing an order for appeal, serve a copy thereof pursuant to Rule 306 c (Service of Pleadings and Other Papers) on the agency whose action is appealed from. A certificate of compliance with this section shall be attached to the order for appeal.

d. *Notice to Other Parties.*

Promptly after receipt of such copy the agency shall, unless the court shall otherwise order, give written notice by mail or otherwise of the filing of the appeal to every party to the proceeding before it, or his representative. A certificate of compliance with this section shall be filed in the proceedings by the Agency.

e. *Petition.*

The appellant shall join with his order for appeal, or shall file with the clerk of the court, within ten days after filing the order, a petition setting forth the action appealed from, the error committed by the agency in taking such action, and the relief sought, and shall serve a copy thereof on the agency.

Rule B3. *Who May Appeal.*

An appeal may be taken by a person now or hereafter authorized by statute to appeal.

Rule B4. *Time for Filing.*

a. *Within Thirty Days.*

An order for appeal shall be filed within thirty days from the date of the action appealed from, except that where the agency is by law required to send notice of its action to any person, such order for appeal shall be filed within thirty days from the date such notice is sent, or where by law notice of the action of such agency is required to be received by any person, such order for appeal shall be filed within thirty days from the date of the receipt of such notice.

b. *Change of Time.*

Upon application of a person authorized to appeal or a party to the proceeding before the agency, and for sufficient cause shown, a court in which the order for appeal may be filed may reduce such time, and such court or agency may extend it for not more than sixty days.

c. *Time for Filing Application to Extend Time.*

An application to extend the time for filing an order for appeal shall be filed within the time required by this Rule for the filing of an order for appeal.

d. *Notice of Application to Reduce Time.*

An order of court reducing the time for filing an order for appeal shall not be effective as to a person who was not notified, in writing, of the application therefor at least three days prior to the consideration of such application by the court.

e. *Notice of Application to Extend Time.*

An application to extend the time for filing an order for appeal shall not be granted by the court or agency unless the agency and all parties to the proceeding before the agency shall have been notified in writing of such applica-

tion at least three days prior to the consideration thereof by the court or agency; provided, that where there were more than five parties to the proceeding before the agency, it shall be sufficient to give such notice to such parties as shall be designated by the court or the agency, as the case may be.

f. Delivery of Copy of Order to Agency.

A copy of an order of court extending or reducing the time for filing an order for appeal, attested by the clerk, shall be delivered to the agency and made a part of its record in the case.

Rule B5. *Dismissal of Appeal.*

If the appellant shall fail to file his order for appeal within the time prescribed by Rule B4 (Time for Filing) or any order issued pursuant thereto, or shall fail to file his petition within the time prescribed by section e of Rule B2 (How Appeal Taken), the court shall dismiss the appeal unless cause to the contrary be shown.

Rule B6. *Stay.*

a. *Stay—Order of Court.*

The filing of an appeal shall not act as a stay of the action appealed from, except that the court, after notice to the agency and hearing, may grant a stay upon such condition or such security or bond as may, in its discretion, seem proper.

b. *No Stay from Workmen's Compensation Commission.*

The court shall not have authority to order a stay in an appeal under Code Article 101, section 56.

Rule B7. *Record.*

a. *Time Within Which Required—Content.*

Promptly after receipt of a copy of the first petition filed in a case pursuant to section e of Rule B2 (How Appeal

Taken) and in any event within thirty days after such receipt, unless a different time shall be fixed by order entered pursuant to section b of this Rule, the agency shall transmit to the clerk of the court the original or a certified copy of the record of its proceedings, including any transcript of testimony and any exhibit filed therein; if the testimony has been recorded but not transcribed prior to the filing of the appeal, the appellant, unless otherwise provided by law, shall, if required by the agency, pay the expense of transcription and that expense shall be taxed as costs; provided, that there shall be omitted such papers as the parties to the appeal shall designate by stipulation, and such stipulation shall be transmitted with the record. (Amended Sept. 15, 1961.)

b. *Change of Time.*

Upon application of any party, including the agency, and for sufficient cause shown, the court may direct that the record be transmitted in such shorter or longer time, not exceeding ninety days after receipt of the first copy of a petition of appeal, as may be ordered, except that the record need not be transmitted until after disposition of a demurrer or similar pleading.

c. *Delay.*

An appeal shall not be dismissed because the record has not been transmitted within the time prescribed, if it appears to the court that such delay was occasioned by the neglect, omission or inability of the agency or other party other than the appellant; provided, however, that such neglect, omission or inability shall not be presumed, but must be shown by the appellant.

d. *Statement in Lieu of Record.*

When the question presented by an appeal can be determined by the court without an examination of all the

record, the parties, with the approval of the agency, may prepare and sign a statement of the case showing how the question arose and was decided, and setting forth so much only of the facts alleged and proved, or sought to be proved, as is essential to a decision of such question by the court. Such statement, when filed with the clerk of the court shall be treated as superseding, for the purpose of the appeal, all parts of the record other than the decision from which the appeal is taken and any opinion of the agency, and, together with such decision and opinion, shall be certified to the court as the record on appeal.

Rule B8. *Amendment.*

The court, in its discretion, may permit a party, by amendment, to raise any pertinent question not raised by a prior pleading.

Rule B9. *Answer.*

A party to the proceeding before the agency, or to whom the agency is required by law to give notice of the action appealed from, who desires to participate in the appeal as a party, and the agency, when it is entitled by law to be a party to the appeal, shall file with the clerk of the court, within thirty days after the filing of the petition of appeal, or such longer or shorter time as may be fixed by the Court, a demurrer, or an answer admitting or denying a fact alleged in such petition and asserting briefly such defense as he or it may see fit, or other appropriate pleading. Prior to filing, a copy of the answer or other appropriate pleading shall be served on the appellant and to it shall be attached a certificate by the appellee or his or its counsel that this requirement has been complied with.

Rule B10. *Additional Evidence.*

Additional evidence may be allowed when permitted by law.

Rule B11. *Jury Trial.*

A party entitled by law to trial by jury may elect a jury trial.

Rule B12. *Decision.*

The Court shall affirm, reverse or modify the action appealed from, remand the case to the agency for further proceedings, or dismiss the appeal as now or hereafter provided by law.

RULES 500 ETC.

TRIAL—LAW AND EQUITY

Rule 564. *Trial by the Court* ..... Law

a. *Submission for.*

The parties to an action may submit the same to the court for determination without the aid of a jury.

b. *Judgment Nisi.*

1. As directed by Court.

Where an action of law is tried upon the facts by the court, the court shall direct judgment *nisi* to be entered upon the law and the evidence.

2. Memorandum of Grounds for Decision.

Upon the motion of any party, the court shall dictate to the court stenographer or prepare and file a brief statement of the grounds for its decision and the method of determining any damages awarded, pursuant to Rule 18 c (Judge—Memorandum of Grounds for Decision).

3. No Instructions. Objections or Exceptions.

A request for instructions and an objection or exceptions to the judgment or to the opinion of the court is not required for the purpose of review. (G.R.P.P. Pt. Three, III, Rule 9a; amended Sept. 26, 1957.)

c. *Ruling on Motion for New Trial.*

Upon a motion for a new trial, filed within the time required by Rule 567 (New Trial), the court may, in ruling on such motion,

(1) deny the motion and direct the clerk to enter a final judgment, or

(2) grant the motion and direct a new trial, or

(3) grant a partial new trial pursuant to section c of Rule 567 (New Trial), or

(4) open the judgment *nisi* or final judgment, if one has been entered, revise it or amend it, and may take additional testimony and direct the entry of another judgment.

Rules 800 etc.

APPEALS TO COURT OF APPEALS

Rule 812. *Appeal—Time for Filing.*

a. *Within Thirty-Days.*

Whenever an appeal to this Court or an application to this Court for a writ of certiorari is permitted by law, the order for appeal or the application for a writ of certiorari shall be filed within thirty days from the date of the judgment appealed from, except (i) as provided in section b of this Rule and (ii) in the case of an application for a writ of certiorari to the Court of Special Appeals, which shall be filed within 30 days from the date of the mandate of the Court of Special Appeals.

QUESTIONS PRESENTED

1. Whether the Petitioner has standing to petition for certiorari.

2. Assuming that he does, whether there are special and important reasons for the granting of the writ.

STATEMENT OF THE CASE*

The Petitioner was an assistant clerk in the Municipal Court of Baltimore City. That court was created by an amendment to the Constitution of the State of Maryland, ratified November 8, 1960, and printed as Part V-B, Section 41C of Article IV of the Maryland Constitution (Volume 9A, Annotated Code of Maryland, 1963 Replacement Volume, p. 176). The court exercises primary criminal jurisdiction within the City of Baltimore, performing the functions of the former police station magistrates and traffic court magistrates.

During the course of his employment Petitioner chose to take issue with the conduct of the court and of the chief clerk of the court, expressing his dissatisfaction by addressing offensive correspondence to the Chief Judge (T. Barton Harrington) and by preparing and publicizing a critical cartoon, all of which was anonymous.

Typical of the communications to the Chief Judge of the Municipal Court, the Honorable T. Barton Harrington, are the following exhibits which are summarized here for the convenience of the Court.

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* References herein to the Record are as follows:
1—The Appendix in Appellant's brief C.A. Md. — "E. ____."
2—The Appendix in Petition for Certiorari — "P. Apx. ____."
3—The Appendix in this Brief — "R. Apx. ____."

Exhibit 1

A post card mailed to the Chief Judge at his home, dated April 5, 1962, which reads as follows:

"Fixing

"Why did you bawl out a girl clerk Jeanette Burton

"When [Chief Clerk] Starkloff and [Judge] Lamden are to blame?

"Starkloff lies on fellow employees [sic] and plays favorites in petty politics.

"Check yourself, if you want the truth" (R. Apx. 1).

Exhibit 2

An envelope postmarked June 19, 1962, bearing a purported return address of "Chief Judge Starkloff" and sent by special delivery mail to the actual Chief Judge, at his home, but with the words "Assistant Clerk" appended after his name, was described at the hearing of October 29, 1964 (HT. I 16-17) as:

". . . a directional sign . . . amended by certain handwriting and handprinting to read 'The Traffic Court of' and inserted in block printing was the word 'Harrington' stricken out so it reads, 'The Traffic Court of Harrington (stricken out) Mr. Starkloff.' Added, 'Soon to be located elsewhere, we hope.' Then in brackets, 'The whole town is talking about the' — inscription on here. Down at the bottom, it reads, 'To owner [order] of Mr. Starkloff. Printed by courtesy Police Department Printing Press. Available for commercial purposes, 1,000 for $19.98' " (R. Apx. 2 and 3).

Exhibit 5

An envelope postmarked August 27, 1962, addressed to the Chief Judge and containing a mimeographed letter concerning a softball game between employees of the Municipal Court and the Baltimore City Police Department, is adulterated in handprinting as follows:

a. The words "Strange things are happening here." are handprinted with an arrow directing the reader from them to the mimeographed words "Municipal Court of Baltimore City."

b. The words "Printed on State of Md. stationary [sic] paid for by taxpayers mimeographed in probation dept by State employees on State time using the name of State agency."

c. The mimeographed word "beer" is circled and these words added at the end of a line leading from the circle "John Hull [an employee of the Municipal Court] has been absent on a 'tear' for a week."

d. An address is given this appendage: "3rd district click [sic] ok'd by Starkloff and Caskey, co." (R. Apx. 4).

Exhibit 8

Envelope addressed to the Chief Judge, postmarked March 24, 1963, contains the following "message":

"cause — 13,000 warrants are foisted on the public by mail all at one time. All because goofy Starkloff and Wanda [a supervisory employee] save them up and do not know what the hell they are trying to do.

"effect — A bedlam of confusion is created on the public and the personnel of the court the phone calls of irate citizens and people swamping the court is a mess and a burden on everyone.

"Solution — Over a period of time periodically several thousand should be mailed out now and then

"Central Records" (R. Apx. 5).

Exhibit 9

An envelope, postmarked March 31, 1963, addressed to the Chief Judge, bears a paper which reads as follows:

"Karloff's Munisimple Court

"You are criticized because deaf clerk Karloff is a 'round peg in a square hole.' He is unqualified and ignorant. That gives you trouble with the PRESS, PUBLIC, AND EMPLOYES [sic].

"Let him tell you what to do if you want to wind up behind the 8 ball" (R. Apx. 5).

Exhibit 10

An envelope addressed to the Chief Judge, postmarked April 2, 1963, and containing the following:

"Dear Bart.

"Starkloffs boo-boos are fast turning the Press and the Governor against you.

"How is it that in the Central Police Station Directory there is *no separation* between

"T. Barton Harrington Chief Judge

"Edward Starkloff Chief Clerk" (R. Apx. 6).

Exhibit 11

A post card, addressed to the Chief Judge at his home, postmarked July 11, 1962, reads:

"Dear Bart

"Just a friendly anonymous tip so it won't get back to where it came from.

"Upon finishing my court last week, it was found that clerks et al, have been promisciously [sic] securing driving records over the telefax machine at the

front window for liquor board inspectors, politicians, and friends, ect. [sic] also selling them.

"No one, neither personnel, nor judges not sitting should commit this abuse. The Chief clerk and deputy clerks are not immune, to this temptation according to past performance.

"NO MEMBER OF THE PERSONNEL SHOULD GET RECORDS ON THE TELEFAX MACHINE WITHOUT AN ORDER FROM THE JUDGE 'SITTING," AND ONLY THEN FOR A CASE PENDING IN COURT" (R. Apx. 7).

Exhibit 12

A post card, addressed to the Chief Judge at his home, postmarked August 30, 1962, reads:

"Sir

"Starkloff's Municipal Court Softball Club next time will have you as umpire. Don't forget to bring 'your little black cap.' Next game the Judges and Detectives can practice a little collusion. Why not a Municipal Court Pleasure Club or maybe a Municipal Court Democratic Club?

"You've got [Judge] Hammerman the playboy, why not amend it to the Municipal Court Screwball's Club, what with Kolarik and Gleason [two clerks] and Karloff.

"Why are all the employees leaving. The turnover is not due to you. It must be Karloff. But then, you're his assistant!" (R. Apx. 7).

Exhibit 15

An envelope, postmarked December 4, 1961, and addressed to the Chief Judge, with a typewritten enclosure, dated the previous day, reading as follows:

"Dear Judge Harrington:

"I feel that you are doing a good job, but I gave Starkloff a summons to re-set for my client. He failed to do so and a warrant went out for my client's arrest.

"I'm not complaining about the inefficiency, but the point is—

"*IT IS DISGRACEFUL* TO SEE PICTURES OF POLITICAL AFFAIRS, AND AUTOGRAPHED PICTURES OF THE GOVERNOR, PCTURES OF COGGINS-O'MALLEY, ECT. [sic] IN THE OFFICE OF AN EMPLOYEE OF THE STATE OF MD.

"IT IS A STATE OFFICE — NOT A 'PRIVATE' PERSONAL OFFICE FOR HIM TO OSTENTACIOUSLY [sic] SHOW A LUST FOR INFLUENCE AND POLITICAL POWER.

"This is the cheapest kind of a show of petty politics. The photos should come down!

"It would be wise for you to correct this matter. Keep up the good work, Judge" (R. Apx. 8).

Exhibit 16

An envelope, postmarked November 26, 1961, contains a newspaper clipping headlined "Reduced Fines Banned in Snow Emergencies." Emphasis has been added in the printed sentence: "With the dissolution of magistrates' courts, *Edward S. Starkloff, chief clerk of the new Municipal Court, appealed to the attorney general's office for a ruling.*" To the printed words so emphasized, an arrow is drawn with the handwritten words "Harrington works there too!" Adjacent to the article is an advertisement for an exterminator. The words "Roaches, Rodents, Bedbugs, Etc" have also been underscored in ink and beneath the ad are the handprinted words "Harrington is Starkloff's OFFICE BOY?" (R. Apx. 9).

Exhibit 17

A cartoon which the Commissioner of Personnel found was prepared by Appellant, as it appeared in a tabloid newspaper publication on July 9, 1964, is set forth in the Appendix (R. Apx. 10).

Only the reproductions of these "pointed, but earnest requests to the *bureau chief*, for changes in his operating procedures" (Pet. p. 21, Emphasis supplied) do justice to their malevolence.

When it was discovered that Petitioner was the author of these various communications, he was suspended from duty on July 17, 1964, and formally charged with violation of the rules of the merit system of the State of Maryland as established in Maryland Code Article 64A (Annotated Code of Maryland, Volume 5, 1964 Replacement Volume, p. 579 *et seq.*, 1967 Cumulative Supplement, p. 193 *et seq.*). A hearing was had before the Commissioner of Personnel on October 29, 1964. At that point Petitioner was represented by counsel who was new to the case, his previous counsel having withdrawn. Newly-employed counsel requested a postponement of the hearing but, because the State law required a hearing within 90 days from the formal charges (Annotated Code of Maryland, Article 64A, Section 33) and practically all of that period had lapsed by previous postponements granted at the request of Petitioner, the Commissioner of Personnel was constrained to go forward, and Petitioner's new counsel declined to participate. Petitioner absented himself from the hearing and the proceedings were had without his presence or that of his counsel.

On November 4, 1964, the Commissioner of Personnel filed a written decision (E. 26-31), in which he found that the Petitioner was the author of the anonymous communications and should be dismissed from State service. From this decision an appeal was taken pursuant to Maryland's Administrative Procedure Act (Annotated Code of Maryland, 1965 Replacement Volume, Article 41, Section 255, p. 233). The appellate court (Baltimore City Court, which

has *nisi prius* standing in the State of Maryland) remanded the case, concluding as follows:

> ". . . The Court does not feel the Appellant was afforded his right to a full and complete hearing in that his new counsel was unfamiliar with the facts and Appellant himself was not present to testify. This determination is in no way a reflection against the judgment of the Commissioner as he was under an obligation to proceed with the hearing before the expiration of the 90 day limit set forth in the statute."

Prior to the supplementary hearing held by the Commissioner of Personnel on June 8-10, 1965, counsel for Petitioner and the Municipal Court entered into a procedural agreement for the hearing (E. 32-33), pursuant to which witnesses on behalf of the Municipal Court who had testified at the hearing of October 29, 1964, were cross-examined by Petitioner's counsel; witnesses, including the Petitioner himself, were produced in his behalf; and rebuttal testimony was offered by the Municipal Court. Most, if not all, of this testimony related to the authorship of certain anonymous writings sent to the Chief Judge of the Municipal Court.

On June 29, 1965, the Commissioner of Personnel entered a "Supplemental Order" (E. 31-38), in which he again found that Petitioner was the author of the anonymous communications referred to in the charges and specifications and directed that Petitioner's services be terminated effective on the date of his suspension (E. 38).

A second appeal, by Petitioner's fifth counsel, was entered to the Baltimore City Court from this decision of the Commissioner of Personnel. The petition (E. 19-21), filed pursuant to Maryland Rule B 2 e, set forth a number of reasons for the appeal, which shifted, blended and merged into 14 main contentions presented at the hearing of the

second appeal (E. 1-2). These were accompanied by a flat concession that "if the record stands as filed there is sufficient evidence of a substantial nature to support the findings of the State Commissioner of Personnel" (E. 1).

Following argument by counsel for Petitioner and counsel for the Respondents, the court, on March 29, 1966, filed a memorandum opinion in which each of Petitioner's contentions was carefully considered and rejected (E. 1-18). The appeal to the Court of Appeals of Maryland was entered on May 2, 1966.

SUMMARY OF ARGUMENT

It is the position of the State of Maryland that Petitioner was given full and adequate opportunity to argue all matters in his defense through two administrative hearings and two appeals to *nisi prius* courts from the decisions of the Commissioner of Personnel and to present and argue every point of law available to him. The dismissal of this case by the Court of Appeals because the appeal to it, after the second appeal at *nisi prius* level, was filed later than 30 days from the entry of the judgment appealed from, in violation of the Maryland Rules, is in accord with the long-standing practice of the court. Any novelty in this procedure is only due to the fact that this is the first time that any appellant has committed the error of Petitioner in this case. The application of the 30-day rule to administrative appeals, as was done in this case, is an entirely proper application consistent with the position of the Court of Appeals in all other cases.

In any event, the Petitioner presents to this Court no ruling by any court of the State of Maryland which determines a federal question not previously determined by this Court or one which has been decided probably not in accord with the previous decisions of this Court.

ARGUMENT

I.

THE DISMISSAL OF PETITIONER'S APPEAL BY THE COURT OF APPEALS OF MARYLAND WAS BASED UPON AN ADEQUATE STATE GROUND.

Rule 812 of the Maryland Rules of Practice and Procedure[1] provides:

> "a. Whenever an appeal to this Court or an application to this Court for a writ of certiorari is permitted by law, the order for appeal or the application for a writ of certiorari shall be filed within thirty days from the date of the judgment appealed from except (i) as provided in section b of this Rule[2] and (ii) in the case of an application for a writ of certiorari to the Court of Special Appeals, which shall be filed within 30 days from the date of the mandate of the Court of Special Appeals."

This rule, passed in 1957, made uniform the time for taking appeals in the State of Maryland and it, like its predecessors, has been considered mandatory and strictly applied by the Court of Appeals. *Riviere v. Quinlan*, 210 Md. 76, 122 A. 2d 332; *Watkins v. Barnes*, 203 Md. 518, 102 A. 2d 295; *Kennedy v. Foley*, 240 Md. 615, 214 A. 2d 815; *Merlands Club, Inc. v. Messall*, 238 Md. 359, 208 A. 2d 687; *Coleman v. State*, 231 Md. 220, 189 A. 2d 616.

As with any rule, the point from which the time begins to run may differ in individual cases. Thus, the Court of

---

[1] These rules are officially referred to as the "Maryland Rules", printed in Volume 9B of the Annotated Code of Maryland (1963 Replacement Volume, 1967 Cumulative Supplement). They are promulgated by the Court of Appeals of Maryland and drafted by a standing committee of the Bar. They have the force of law until rescinded, changed or modified legislatively or by the Court of Appeals. Maryland Constitution, Article IV, Sections 18 and 18A.

[2] The first exception (reference to sec. b) to the rule indicated in the text quoted above has to do with the trial of issues from an Orphans' Court heard in a law court and is immaterial to the consideration of the present case.

Appeals has decided that an appeal from an order admitting a will to probate must be taken within 30 days after the date of the order rather than some later date involved in the proceedings of administration (*In re Wilson*, 135 Md. 195, 108 Atl. 797); that the time for appeal is measured from the entry of a judgment or decree regardless of the revisory power of the court entering the same under Maryland Rules 625 and 690 for the period of 30 days after the entry and even though the lower court might effect a revision after the expiration of 30 days based upon a petition filed within that time (*Monumental Eng. v. Simon*, 221 Md. 548, 158 A. 2d 471; *Lancaster v. Gardiner*, 225 Md. 260, 170 A. 2d 181); that in an equity case the time for appeal is measured from the date of the order or decree signed by the chancellor rather than from the date of any previous oral opinion expressed from the bench (*Kennedy v. Foley*, 240 Md. 615, 214 A. 2d 815); that on issues from an Orphans' Court tried in a law court an appeal is allowed from the factual determination of the law court. (*Syfer v. Dolby*, 182 Md. 139, 32 A. 2d 529.)

Generally, the right of appeal is limited to cases in which the lower court has entered a final judgment or made a final determination of an issue before it. Article 5, Section 1, Annotated Code of Maryland (1957 Edition). The determination of what is a final order was in this case necessarily a judgment for counsel inasmuch as the Court of Appeals had not previously specifically ruled on the particular point. However, it should have been clear to counsel from the applicable rules that the entry of the order affirming the Commissioner of Personnel was final in this case without any intervening *nisi* judgment.

Under Maryland's Administrative Procedure Act (Article 41, Sections 241-256, Annotated Code of Maryland, 1965 Replacement Volume), the source of appellate jurisdiction from *nisi prius* level in the present case, it is provided

(Section 255, subsection (f)) that the appeal shall be heard by the court without a jury and (subsection (g)) that "the court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced" because of infirmities in the administrative findings. An appeal to the Court of Appeals of Maryland is provided in Section 256 in the following language:

> "An aggrieved party may secure a review of any final judgment of the circuit court or Baltimore City Court, as the case may be, under this subtitle by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided for appeals from law courts in other civil cases. . . ."

Under Maryland Rule B, regulating the proceedings of administrative appeals through courts at the *nisi prius* level, the power of the lower court is again expressly limited to the affirmance, reversal or modification, remanding or dismissal of the appeal as otherwise provided by law. Maryland Rule 564, which provides for the entry of a judgment *nisi* when an action *at law* is tried upon the facts by the court, is expressly applicable to cases "at law". Each section of the Maryland Rules is broken down into rules of general applicability to both law and equity courts, rules applicable to law courts only and rules applicable only to equity courts. But it has been held in Maryland on numerous occasions that a court exercising appellate jurisdiction over administrative determinations exercises a special jurisdiction and not its normal jurisdiction and the proceedings before it are of an extraordinary nature not governed by the standard rules. *Swann v. M. & C. of Cumberland*, 8 Gill 150; *Margraff v. Cunningham*, 57 Md. 585; *Johnson v. Board of Zoning Appeals*, 196 Md. 400,

76 A. 2d 736; *Md. Pharmacy Board v. Peco*, 234 Md. 200, 198 A. 2d 273; *Hart v. Comm. of Motor Vehicles*, 226 Md. 584, 174 A. 2d 725. In the Peco case, the Court of Appeals held that Maryland Code Article 5, Section 1, the legislative authorization for appeals to the Court of Appeals from final judgment of a court of law in any civil suit or action, does not apply to law courts entertaining administrative appeals. The court held, in accord with a long line of previous decisions, that the right of appeal in such cases is determined by the Administrative Procedure Act.

Even if the status of administrative appeals were otherwise unknown to Petitioner or his counsel, existence of a rule governing administrative agency appeals (Rule B, Chapter 1100, "Special Proceedings", Maryland Rules) apart from "law" Rules should be as much indication as is necessary to teach the distinction. Petitioner had, in fact, proceeded under Rule "B" in the Baltimore City Court on two occasions in this case and it is most difficult to grasp the materiality of his present contention, i.e., that he did not comprehend its exclusive applicability. Indicative of the fact that this has proved no pitfall for other litigants and practitioners is that, despite Maryland's long history of appeals from review of the actions of administrative agencies, the error committed by Petitioner[3] has not previously occurred.

It is claimed by Petitioner that the error in this case was that of the clerk of the court but, in fact, the error

[3] We use Petitioner's phraseology without intending to do service to his vaguely and cautiously stated inference that he was in fact deceived by the clerk's entry. Questions as to such a factual error could only be decided by testimony under oath should it be determined that even such an error could extend the time for appeal. Although the Court of Appeals treated the case assuming the error was induced, the basic question before it and before this Court is the regularity of Maryland's thirty day appeal rule as applied to administrative appeals and to this case.

was the Petitioner's and he is not privileged to rely upon the misconception of a layman in the clerk's office. The Baltimore City Court, the *nisi prius* court which first reviewed the administrative findings, is ordinarily a court of law but has certain exclusive appellate jurisdiction under Maryland Constitution, Article IV, Section 28. At best, the error of the clerk is properly attributable to this confusion of his duties in regard to the multiple functions of the court and is not indicative of any general practice which could amount to the most informal interpretation of the practice in Maryland on administrative appeals.

The error of Petitioner is attributable only to him and was admitted in the Court of Appeals at the time of argument. A copy of the Opinion and Order of the Baltimore City Court affirming the administrative action was received by Petitioner's counsel promptly after its entry on March 29, 1966. This could not be understood as anything other than the decision, the judgment of the court under Maryland Rule B12 and Maryland Code, Article 41, Section 255(g). From that point on Petitioner was charged with knowledge of the rules governing the time for appeal. If the clerk had failed to make any entry or had entered only a judgment *nisi* and never entered a final judgment, the circumstances would not be altered, for Petitioner's knowledge of the actual facts and his obligation to recognize the status of the law under which he was proceeding cannot be wished away. As stated by the Court of Appeals in its opinion in accord with *Baltimore Luggage Co., v. Ligon*, 208 Md. 406, 118 A. 2d 665 (1955), the parties "were charged with knowledge that the entry of the judgment *nisi* had 'no place' in the case and that a final judgment was, in fact, entered on the court records" (P. Apx. 5).

In light of the previous Maryland law, the clarity of the pre-existing Maryland Rules and the circumstances of

the present case, Petitioner's assertions that the Maryland Court of Appeals "neatly ruled", sought its own "good fortune" (Petition, p. 10), and committed judicial "sleight of hand" (Petition, pp. 23, 24) are not only contemptibly unfair to the Court of Appeals and unworthy of expression by a member of the Maryland Bar but even exceed in nonsensical properties the assertion that Petitioner was "hoisted out of court on the Baltimore City Court clerk's petard" (Petition, p. 9). Any "hoisting" of this petitioner was accomplished, with literal fidelity to the Shakespearean source, "by his own petar".[4]

It is an incredible circumstance that in support of his assertions as to novelty of procedure, "sleight of hand" and neat rulings, Petitioner cites no Maryland cases. The entire body of Maryland law is dismissed in the sentence: "No Maryland cases are cited" (Petition, p. 26).

II.

THERE IS NO QUESTION PRESENTED PROPER FOR CERTIORARI TREATMENT AS TO FREEDOM OF SPEECH, REGARDLESS OF THE STATE COURT DECISION.

Petitioner's efforts to have this Court cure his procedural neglect in Maryland is based upon the flat statement that his utterances were *absolutely* privileged because he was an employee of the State and therefore immune from discipline by his employer for *any* activities involving speech. This Court has twice affirmed the direct proposition that freedom of speech does not require a governmental employer to suffer the presence of a politically antagonistic employee on its payroll. *Bailey v. Richardson*, 341 U.S. 918, 95 L. Ed. 1352, affirming, *per curiam*, the decision of the Court of Appeals for the District of Columbia Circuit at 182 F. 2d 46, 86 U.S. App. D.C. 248; and *Washington v. McGrath*, 341 U.S. 923, 95 L. Ed.

[4] Hamlet, Act III, Scene 4, line 206.

1356, affirming, *per curiam*, the decision of the Court of Appeals for the District of Columbia Circuit at 182 F. 2d 375, 86 U.S. App. D.C. 343. This Court held in *United Public Workers v. Mitchell*, 330 U.S. 75, 91 L. Ed. 754, that the prohibitions of the Hatch Act forbidding political activities by federal employees on their off-duty hours and making such activities cause for dismissal from civil service did not abridge freedom of speech. The State loyalty oath cases are further in point as to the absence of the absolute rule claimed by Petitioner. *Baggett v. Bullitt*, 377 U.S. 360, 12 L. Ed. 2d 377; *Gerende v. Board*, 341 U.S. 56, 95 L. Ed. 745. It is significant that Petitioner implores this Court's indulgence not on the basis that the result of the Maryland procedure is probably not in accord with the decisions of this Court but on the pretense that this Court has not expressed a position on the ability of government, however qualified, to limit freedom of speech in the absolute sense for its own protection. Petitioner resorts to the libel cases (*Garrison v. Louisiana*, 379 U.S. 64, 13 L. Ed. 2d 125) and to an opinion on the use of state authority to inhibit freedom of expression in areas unconnected with employment (*Thorpe v. Housing Authority*, 385 U.S. 967, 17 L. Ed. 2d 432) and fails to acknowledge the pertinent decisions. The refusal of this Court to grant certiorari in *Melfa v. Davis* (October Term, 1965, No. 1275, 384 U.S. 1001) might have been cited inasmuch as the petitioner there was a co-worker of the Petitioner here and feinted at the same free speech proposition, through the same advocate. (The *Melfa* petition was filed late in this Court.)

CONCLUSION

Petitioner champions no cause worthy of consideration. Free speech in the sense of public criticism, public debate, an expression of ideas, an attempt to win approval of a philosophy is foreign to this matter. What Petitioner seeks

is a constitutional *deus ex machina* to snatch him from the fate his own vices have provided. He is not sued for libel nor discriminated against for conduct foreign to his employment. He was justly disciplined for committing acts detrimental to his employer under the provisions of Maryland's Civil Service Law. He equated his judicial employers with bedbugs and roaches, demeaned the office of Chief Judge by asserting that that officer was in reality the office boy to his own clerk, accused the judges of being in collusion with detectives, referred to an associate judge as a playboy, referred to his court as "Munisimple" (rather than Municipal), all in anonymous letters and postcards addressed to the Chief Judge at his home and office. He prepared and participated in the publication of a cartoon degrading his court. All of this was designed to harass his employer and it was found to have had that effect. Having been stripped of his cloak of anonymity, he now thrashes about for constitutional cover.

Even had the question been properly presented and decided in the Court of Appeals, the issues sought to be raised under the facts of this case are of no moment and unworthy of consideration by this Court. In the present posture of the case the writ sought would be improper under this Court's rules.

The Petition should be dismissed.

Respectfully submitted,

FRANCIS B. BURCH,
Attorney General of Maryland,

THOMAS A. GARLAND,
Assistant Attorney General
of Maryland,
1200 One Charles Center,
Baltimore, Maryland 21201,
For Respondents

: FIXING

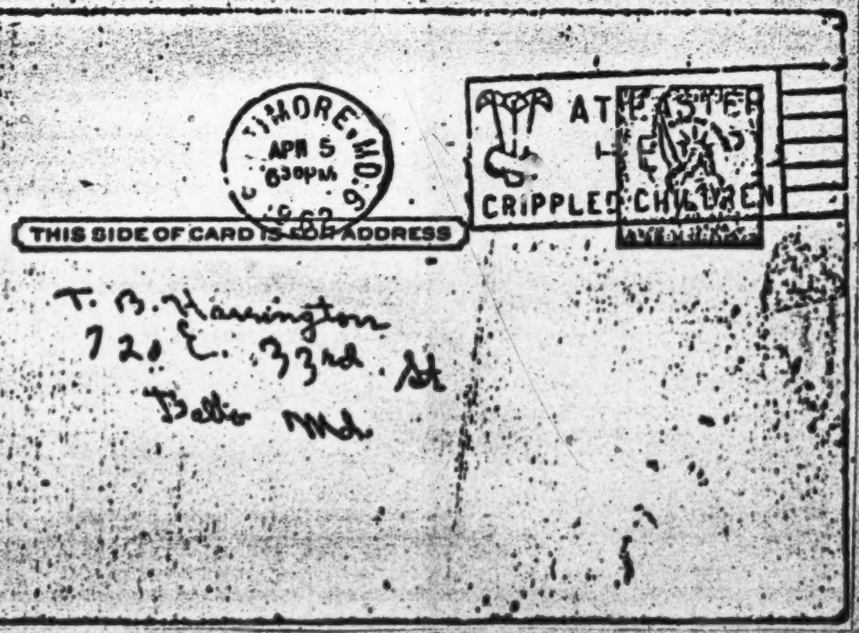
MUCT #1

Why did you haul out a girl clerk Jeanelle Burton
When Starkloff and Landin are to blame.?

Starkloff lies on fellow employees and
plays favorites in petty politics.

Check yourself, if you want the truth.

Q-1



T. B. Harrington
720 E. 33rd St
Balto Md.

Q-1

CHIEF JUDGE STARKLOFF
of Municipal Court Personnel
Pallway, Fayette
central Police Station
Balto. Md.



POSTAGE DUE 6 CENTS

SPECIAL DELIVERY

J. Barton Warrington, Assistant Clerk
720 E. 33rd Street
Baltimore, Md.

SPECIAL

SPECIAL DELIVERY

Q-2

Q-2A

THE TRAFFIC COURT OF ~~HARRINGTON~~ MR. STARKLOFF

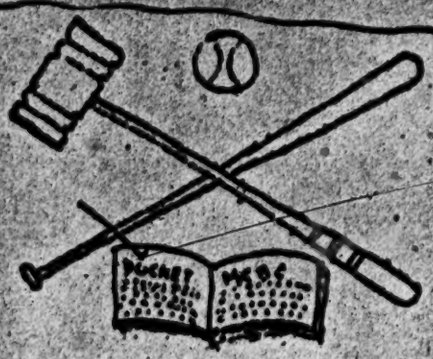
SOON TO BE LOCATED ELSEWHERE WE HOPE!



Q-2 A

STRANGE THINGS ARE HAPPENING HERE!

MUNICIPAL COURT
OF BALTIMORE CITY
SOFTBALL CLUB, INC.
Baltimore 2, Md.



Robert I. H. Hammersen
President

John J. Kolarik
Manager

Phone: 539-8759

"Justice and Fair Play"

PRINTED ON STATE OF MD. STATIONERY. PAID FOR BY TAXPAYERS.
MIMEOGRAPHED IN PROBATION DEPT. BY STATE EMPLOYEES ON STATE TIME
USING THE NAME OF STATE AGENCY.

August 11th, 1962

MD. SEAL

Dear Member:

All of you who were at the practice session of the softball team on Tuesday will realize that we must have another practice if we are to make any kind of showing at all against the Detective Bureau. Igitur, we have scheduled a practice game against Vic Dahl's all-Stars to be played at the Dumbarton Elementary School field, on Tuesday, August 14th, at 6:30 p.m. For directions to the field, see the sketch below.

The game against the Detective Bureau will be played on Thursday, August 16th, 6:30 p.m., at the Morgan State College Diamond, Cold Spring Lane and Hillen Road. After the game, there will be a little get-together of the team members, their wives and children, girlfriends and fans at the Holiday House Rathskeller, 6427 Harford Road (at Pinewood Avenue; parking lot and entrance at the rear). Beer, sodas, potato chips and pretzels will be served. This will cost each player $1.50. Any profits from this affair will go towards some equipment for the team.

Please contact me as soon as possible about attending the party, so arrangements can be made with the Holiday House at to the number of people to expect.

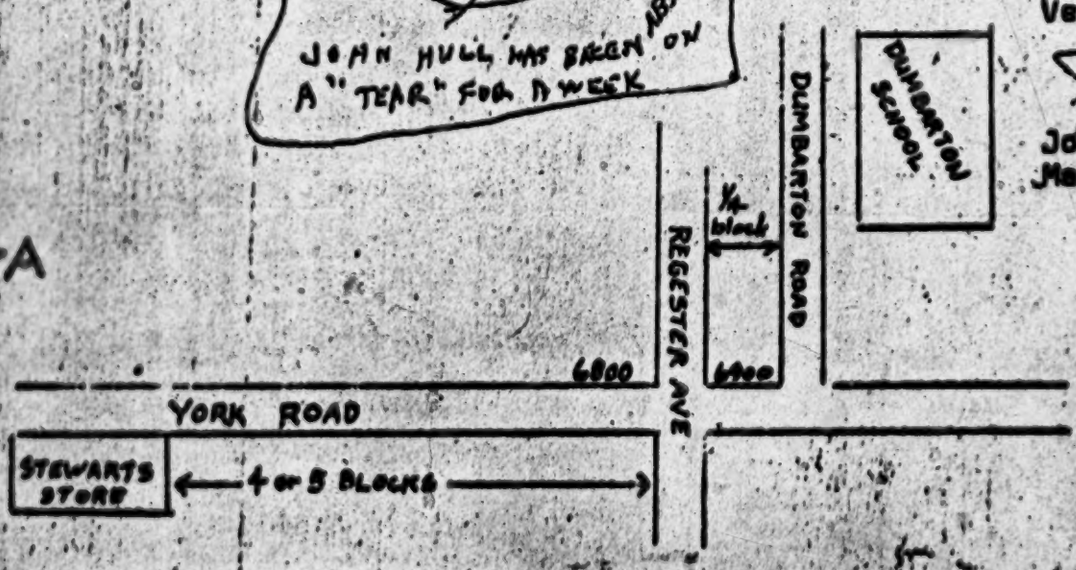
Also, please be on time for the games, at least 15 minutes ahead of playing time.

3RD DISTRICT CLICK OK'D BY FRANKLOFF AND LASKEY

JOHN HULL HAS BEEN ABSENT ON A "TEAR" FOR A WEEK

Very truly yours,

John J. Kolarik
Manager



Q-5-A

P. Apx. 4

MUCT Ex. #8

MUCT Ex. #8A

Cause - 13,000 warrants are failed on the public by mail all at one time, all because goofy Starkoff and Wanda have them up and do not know what the hell they are trying to do.

effect - A bedlam of confusion is created in the Public and the personnel of the court. The phone calls of irate citizens and people swamping the court in a mess and a burden on everyone.

solution - Power a period of time periodically several thousand should be mailed out now and then.

CENTRAL RECORDS

MUCT Ex. #9

MUCT Ex. #9A

KARLOFF'S MUNISIMPLE COURT

YOU ARE CRITICIZED BECAUSE DEAF CLERK KARLOFF IS A "ROUND PEG IN A SQUARE HOLE!" HE IS UNQUALIFIED AND IGNORANT. THAT GIVES YOU TROUBLE WITH THE PRESS, PUBLIC, AND EMPLOYES.

LET HIM TELL YOU WHAT TO DO IF YOU WANT TO WIND UP BEHIND THE 8 BALL

Q-9-A

MUCT Ex. #10

BALTIMORE 20 MD. APR 30 3:30PM 1963

LAW DAY U.S.A.
FREEDOM UNDER THE
MAY 1

T. B. Harrington
Municipal Court
Fallsway and Fayette
City

Q-10

MUCT Ex. #10A

Dear Bart:

Starkloffs boo-boos are fast turning the Press and the Governor against you.

How is it that in the Central Police Station Directory there is no separation between

T. BRETON HARRINGTON CHIEF JUDGE
EDWARD STARKLOFF CHIEF CLERK

Q-10-A

MUCT Ex. # 11

Dear Bart:

Just a friendly anonymous tip so it won't get back to where it came from...

Upon finishing my court last week, it was found that clerks et al, have been promiscuously securing driving records over the telefax machine at the front window for liquor board inspectors, politicians, and friends; ect. also selling them.

No one, neither personnel, nor judges not sitting should commit this abuse. The Chief clerk and deputy clerks are not immune, to this temptation according to past performance.

NO MEMBER OF THE PERSONNEL SHOULD GET RECORDS ON THE TELEFAX MACHINE WITHOUT AN ORDER FROM THE JUDGE "SITTING." AND ONLY THEN FOR A CASE PENDING IN COURT.

Q-11

MUCT Ex. #12

SIR:

Starkloff's Municipal Court Softball Club next time will have you as umpire. Don't forget to bring "your little black cap." Next game the Judges and Detectives can practice a little collusion.

Why not a Municipal Court Pleasure Club or maybe a Municipal Court Democratic Club?

You've got Hammerman the playboy, why not amend it to the Municipal Court Screwball's Club, what with Kolarik and Gleason and Karloff.

Why are all the employees leaving. The turnover is not due to you. It must be Karloff. But then, you're his assistant!

Q-12

Q-15

MUCT E. #15

Chief Judge
T. Barton Harrington
Fallsway & Fayette
Central Police Bldg.
City

PERSONAL

MUCT E. #15A

12-3-61

Dear Judge Harrington;

I feel that you are doing a good job, but I gave Starkleff a summons to re-set for my client. He failed to do so and a warrant went out for my client's arrest.

I'm not complaining about the inefficiency, but the point is ---

IT IS DISGRACEFUL TO SEE PICTURES OF POLITICAL AFFAIRS, AND AUTOGRAPHED PICTURES OF THE GOVERNOR, PICTURES OF COGGINS-O'MALLEY, ECT. IN THE OFFICE OF AN EMPLOYEE OF THE STATE OF MD.

IT IS A STATE OFFICE --- NOT A "PRIVATE" PERSONAL OFFICE FOR HIM TO OSTENTACIOUSLY SHOW A LUST FOR INFLUENCE AND POLITICAL POWER.

This is the cheapest kind of a show of petty politics. The photos should come down! It would be wise for you to correct this matter. Keep up the good work, Judge.

% Q-15-A

MUCT E. #16A
(Harrington worth these too!)

$25 Or Nothing

Reduced Fines Banned In Snow Emergencies

Q-11-A

The attorney general's office has called the tune for motorists facing fines for violating snow emergency laws—it's all or nothing at all.

Ending a long verbal snowball battle between Paul A. Dorf, former Traffic Court magistrate, and Traffic Director Henry A. Barnes, Deputy Atty. Gen. Joseph F. Kaufman ruled Traffic Court judges could not impose reduced fines for snow emergency law violations.

KAUFMAN noted the law prescribes a flat $25 violation fee and said judges could either impose the full fee, or suspend it.

Dorf, as Traffic Court magistrate, never imposed the fine. He contended magistrates, like Criminal Court judges, could reduce a fine.

Barnes complained frantly last year that magistrates were "not complying with the law" by setting fines at $5.25.

With the dissolution of magistrates' courts, Edward S. Starkloff, chief clerk of the new Municipal Court, appealed to the attorney general's office for a ruling.

Q-16-A

This Sun

Q-16

Personal

T. BURTON HARRINGTON-PH. D.
Chief Judge Municipal Court?
Central Police Station
Fallsway - Fayette
Baltimore, Md.

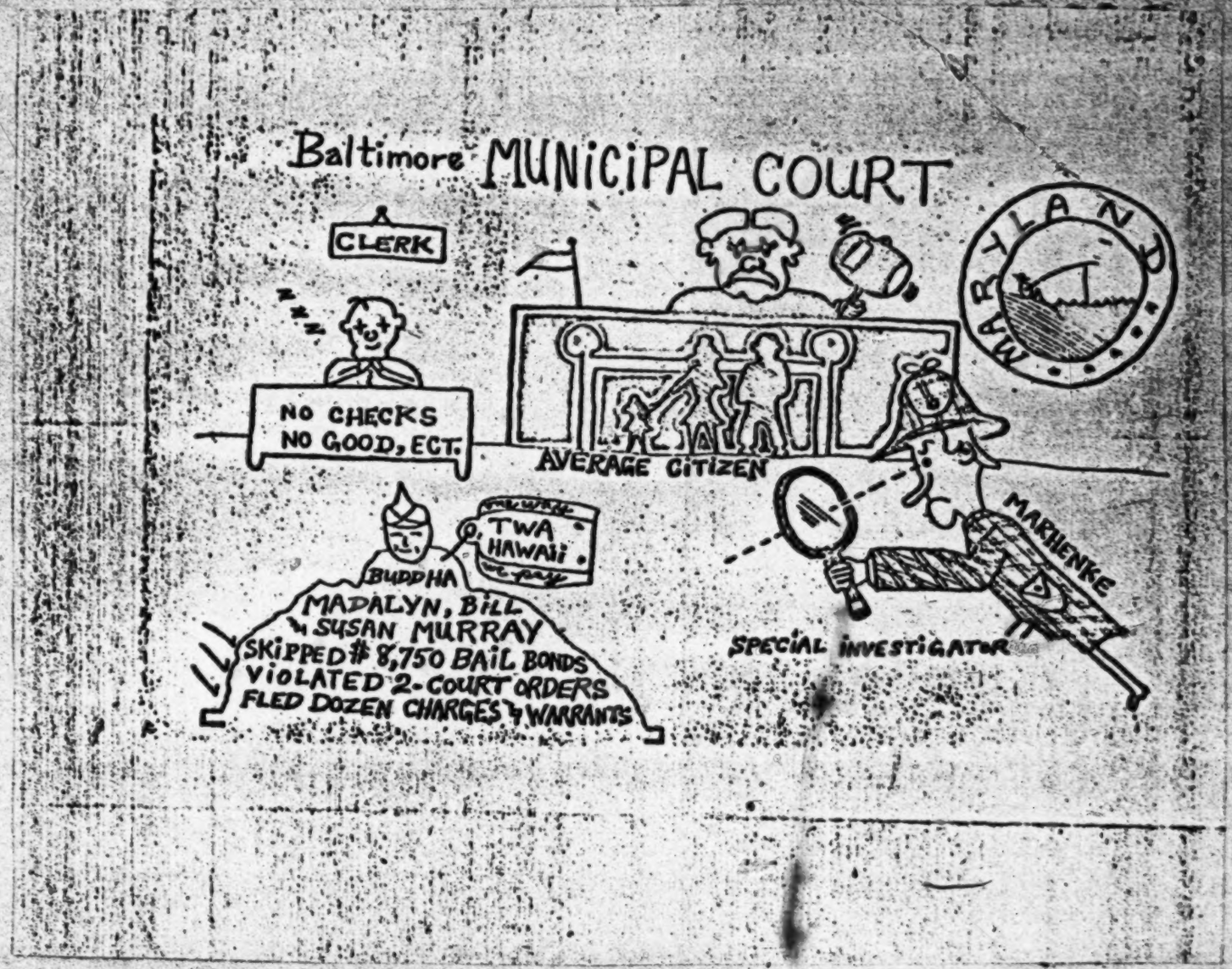
MUCT. E. #16

FIGHT
SUPPORT
TB ASSOC

COACHES
PIED PIPER

HARRINGTON is STARKLOFF'S OFFICE BOY?

R. Apx.



CERTIORARI DENIED